

Docket Item #13  
SPECIAL USE PERMIT #2003-0095

Planning Commission Meeting  
December 2, 2003

**ISSUE:** Consideration of a request for a special use permit to continue operating a nonconforming convenience store use.

**APPLICANT:** 7-Eleven Inc.  
by Michael R. Vanderpool, attorney

**LOCATION:** 800 Franklin Street

**ZONE:** CL/Commercial Low

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**STAFF RECOMMENDATION:** Staff recommends **approval** of a request for a special use permit to continue operating a nonconforming convenience store, subject to compliance with all applicable codes, ordinances and permit conditions as listed in Section IV of this report.

**PLANNING COMMISSION ACTION, DECEMBER 2, 2003:** On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff recommended permit conditions, and to amend Conditions #2 and #13, and add Conditions #25, #26, and #27. The motion carried on a vote of 7 to 0.

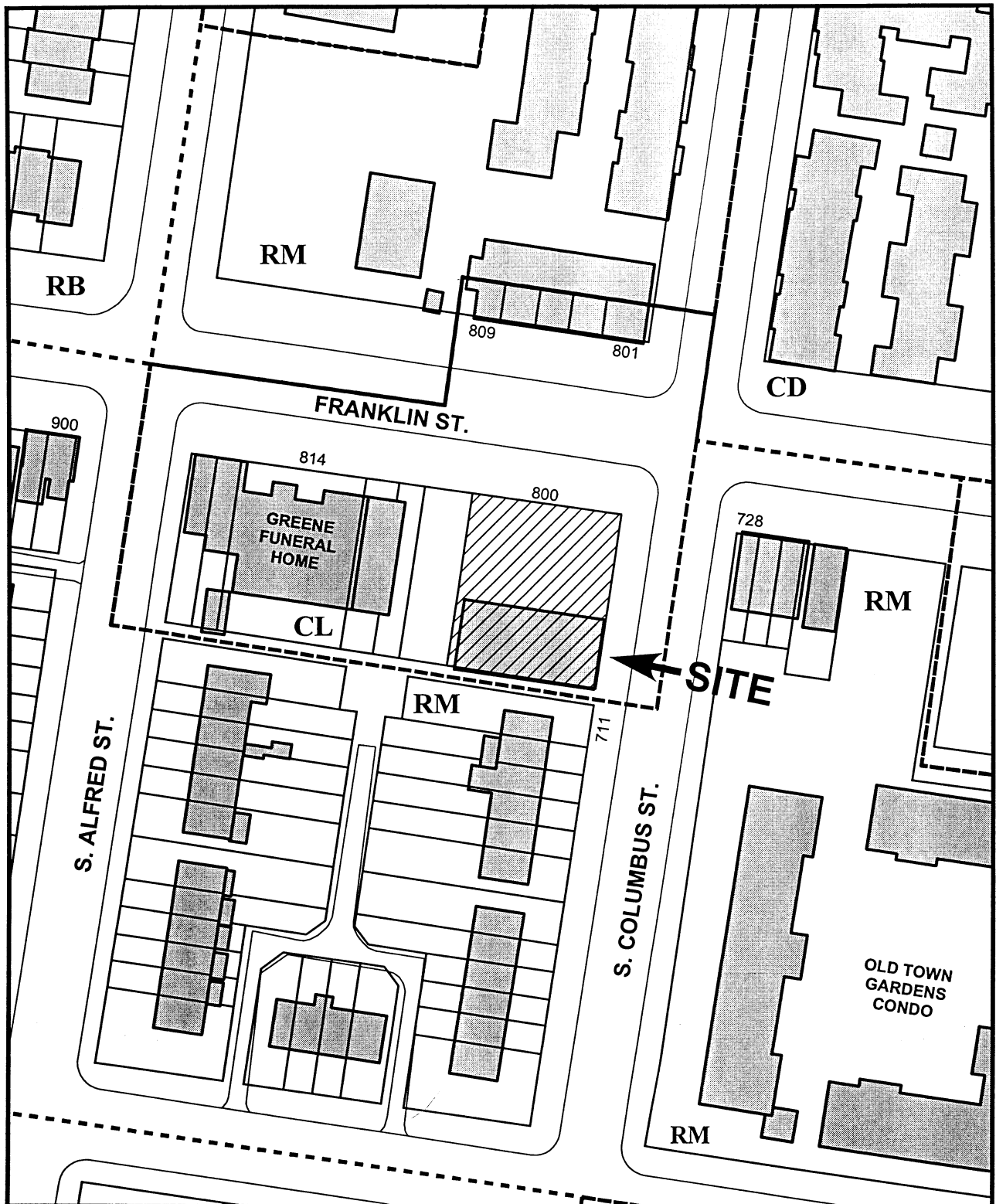
**Summary:** The Planning Commission agreed with staff's analysis generally, and recommended amending and adding conditions to address the following issues:

- The delivery trucks that frequent the business are too large to maneuver in the area, and smaller trucks would be more appropriate in this urban setting.
- Litter generated from the business is found across the street, which is beyond the 75 foot radius 7-Eleven would be required to monitor in Condition #2.
- Two additional trees at the entrance of the business on Franklin Street were suggested if there is room to plant them.
- The existing freestanding sign should be replaced with a more attractive monument sign.
- The existing landscaping is attractive and should be maintained at its current height.

**Speakers:**

Michael Vanderpool, the applicant's attorney, spoke in support of the application.

Winifrede Ottingeiz, property owner at 805 Franklin Street, expressed concerns regarding large delivery trucks, littering on her property across Franklin Street, the need for additional trees at 7-Eleven, and the unattractiveness of the freestanding sign.



**SUP #2003-0095**

**12/02/03**



## **I. BACKGROUND**

In 1986 the “convenience store” use was added to the Zoning Ordinance, distinguishing this high impact use from other retail uses and requiring a special use permit for convenience stores. The 7-Eleven stores in the City predate this change in the ordinance, do not have special use permits and, therefore, are considered “nonconforming”. In 1998, City Council amended the Zoning Ordinance to require that nonconforming uses cease operations within seven years, unless an SUP is approved allowing their continued use (TA#97-0009A). All 7-Eleven stores in the City were notified of their nonconforming status by letter dated June 30, 1998, explaining that a special use permit was required prior to July 1, 2005, or they would have to cease operations (see attached letter).

There are fifteen 7-Eleven convenience stores city-wide (see attached map and list of stores). When representatives from 7-Eleven, Inc. approached staff several months ago to discuss the application process, the applicant and planning staff, along with representatives from the Police, Code Enforcement, Transportation and Environmental Services, and Recreation, Parks and Cultural Activities worked together to address general issues and the City’s concerns city-wide, and to establish expectations for the continued use of the 7-Eleven stores in the City. This case is the first in a series that will come before the Commission and Council over the next 18 months. Each will address the potential impacts that 7-Elevens present and the solutions staff and the applicant have proposed for addressing them.

### **Impacts**

While 7-Eleven stores provide a real convenience to citizens of the city, their location close to residential areas can create a problem. The use by definition includes high customer volume, typically for quick and small sales of retail convenience goods, and typically including alcohol. Therefore, convenience stores, by their nature, require consideration of the following issues:

- Alcohol sales. If the sale of alcohol leads to problem behavior, including loitering, crime, and litter, then a convenience store site can become a problem for the neighborhood. The volume of alcohol sales is an additional factor. While some 7-Elevens in the City now restrict sales of wine and beer to single or large containers, they do so as part of a voluntary agreement with the Alexandria Police, and not because of a clear legal restriction. In as much as all other SUP uses that include off site alcohol sales are limited to single sales, it is staff’s expectation, understood by 7-Eleven, that each of the 7-Eleven SUPs will include a similar restriction on the sale of wine and beer. The Virginia Department of Alcohol Beverage Control restricts alcohol sales to between 6:00 a.m. and 12:00 midnight at 7-Elevens, and other similar off-premises businesses, state wide.

- Hours of operation. Most 7-Elevens in the City are open 24 hours a day, seven days a week. At some locations, a lighted, available meeting place is a convenience; in others it is a magnet for nuisance activity. Staff expects to address this issue on a case by case basis, depending on the circumstances at the individual 7-Eleven store.
- Litter and trash. The stores sell quick, consumable items including sodas, cigarettes, and chips, which can become trash and litter on the property and in the area surrounding the 7-Eleven. Many stores offer trash cans to prevent littering and consolidate trash, which may be supplemented by city trash cans in the right-of-way.
- Site improvements (signage, landscaping, dumpster screening, etc.) . Many of the sites have older facades and signs, including pole signs, and poor architecture, all of which make the neighborhood use less attractive. Because these sites are older, many have excessive paving or poor landscaping that may need new installation and enhancement. Staff has worked with 7-Eleven on the architecture, signage, and landscaping at each site in order to make each one more attractive.
- Crime. The 7-Elevens operate during late night hours and offer alcohol sales, which in combination may, but does not always, contribute to criminal activity. Staff will be reviewing the number of calls for service at each location, and the type of crime associated with those calls, at each location in order to determine whether there is a crime problem associated with the site.
- Access, Traffic and Deliveries. The 7-Eleven sites are generally in close proximity to residential areas, on smaller lots with limited areas for parking and vehicular maneuvering. This combination can create a conflict among the activities that occur on the site including rapid customer turnover, delivery vehicles loading goods, and trash pick up.

Although all of the 7-Elevens will experience these issues to some degree, the level to which they create problems at each site will vary case by case. Staff's recommendations to control these issues will also vary accordingly.

## **II. DISCUSSION**

### **Request**

The applicant, 7-Eleven, Inc., by Mike Vanderpool, attorneys, requests special use permit approval for the continued use of a nonconforming convenience store located at 800 Franklin Street.

### **Sit Description**

The subject property is one lot of record with 85 feet of frontage on Franklin Street, 100 feet of depth and a total lot area of 8,500 square feet. The site is developed with a 2,620 square feet, single story commercial building occupied by a 7-Eleven convenience store (see attached photo). The surrounding area is a mix of townhouses, condominiums, and office and commercial uses in the nearby vicinity. The Greene Funeral Home is located immediately to the west of the property and offices are immediately to the north. Residential uses are located immediately to the east and south of the property.

### **History**

The 7-Eleven store at 800 Franklin Street has operated on the property since January 1965. The construction of the store was originally approved under Site Plan #64-016. The applicant leases the property. According to the applicant, the store is intended to provide quick and convenient shopping and goods which are typically purchased in small quantities. Food and beverages are purchased for consumption off premises.

### **Site and Facade Improvements**

The applicant has worked with staff to identify potential site improvements for 800 South Franklin Street store, and has agreed to renovate the store building's facade as illustrated in the attached elevation. There will be no color striping or color bands on the new facade. The facade improvements include new siding on the gable end over the entrance, a new shingled roof, repairing the existing free-standing pole sign, and removing the colored bands over the entrance. These improvements were approved by the Board of Architectural Review on November 5, 2003. The landscaping on the site is mature, and the applicant agrees to trim and maintain the existing landscaping.

### **Hours of Operation**

The store is open 24 hours a day, 365 days a year. The applicant proposes that these hours remain the same.

### **Parking**

According to Section 8-200 (A)(16) of the zoning ordinance, a retail use of 2,620 square feet at this location is required to provide one parking space for every 210 square feet of floor area, totaling 13 spaces. The property has a total of 14 spaces on site. According to the

applicant, the existing parking has proven adequate because of the quick turnover of customers.

#### Waste Collection

Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week. The applicant presently contracts with a private company to perform three "litter walks" each week. The contractor removes litter and trash from the entire property, as well as adjacent sidewalks and gutters. Store employees also perform a minimum of two litter walks each day to pick up litter on the property. In addition, there are three trash receptacles located on the site, and two city trash cans located in the public right of way to control litter.

#### Outdoor Storage

The applicant requests approval of outdoor storage to continue sales of firewood. The applicant is willing to store firewood in a rack as approved by staff.

#### Deliveries

A consolidated delivery is made to minimize the number of truck deliveries. The consolidated delivery is made daily at approximately 9:30 p.m. Large truck deliveries are scheduled to comply with the City's noise ordinance (if trash collection is less than 500 feet from a residential area, Section 5-1-42 of the City Code prohibits solid waste collection from the premises between the hours of 11:00 p.m. and 7:00 a.m.; or between 6:00 a.m. from May 1 through September 30). Other vendors deliver several times each week, typically three or four trucks delivery per each 24 hour period. Loading takes place from the parking area at the front of the store.

#### Security

The store is equipped with a closed circuit T.V. and monitored alarm system. A Police Community Substation (office) is located on-site within the store.

#### Alcohol Sales

The store has an A.B.C. license for off-premise sale of beer and wine between the hours of 6:00 a.m. and 12:00 midnight.

#### Civic Association Response

On November 19, 2003, staff attended the Southwest Quadrant Civic Association meeting, where residents of Old Town West and Old Town South were also present, and residents expressed support for the continued operation of the 7-Eleven at this location. Members also voiced support for a condition limiting alcohol sales to single sales. Staff has also discussed the application with the Old Town Civic Association, and has not heard of any serious concerns about the operation.

Zoning

The subject property is located in the CL/Commercial Low zone. The CL zone does not currently allow convenience stores, however, the nonconforming use may continue operating with special use permit approval.

Master Plan

The proposed use is consistent with the Southwest Quadrant chapter of the Master Plan which designates the property for CL uses. The south side of the block is designated for CL uses in order to maintain the present scale of development and provide transition between the residential areas at the south and the commercial areas on the west and east.

**III. STAFF ANALYSIS**

Staff supports the proposed special use permit for the nonconforming 7-Eleven at 800 Franklin. The store has been operating for nearly 40 years and provides a valuable convenience to residents in the area. This compact and well landscaped site has generally not been a problem in the past. Nevertheless, staff recommends a number of conditions to address existing and potential future issues on the property.

Alcohol sales. Staff is concerned generally about the historic sale of single containers of beer and wine, and the potential that creates for negative activity on the premises and in the area. Staff has included a condition prohibiting single sales of beer and wine, as agreed to by the applicant.

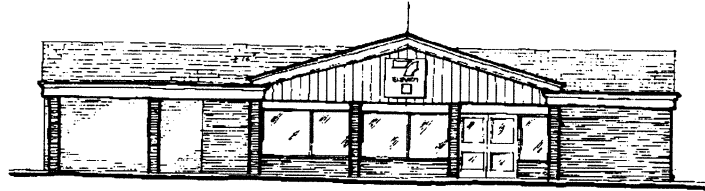
Hours of operation. Staff is not aware of any problems related specifically to this location being open for 24 hours, and recommends that the establishment be permitted to continue to operate for 24 hours daily.

Litter and trash. Staff is also concerned generally about the potential for litter. Staff is satisfied with the applicant's litter program, contracting with a company to pick up litter three times a week, and employees to monitor the site at least two times a week. In addition, there are three trash receptacles located on the site, and two city trash cans located in the public right of way to control litter.

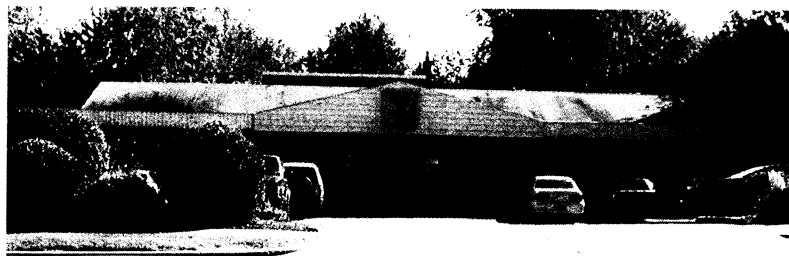
To add to the improved look of the area around the improved property, staff recommends that the two city trash cans be replaced by the applicant with the new model trash can. Staff also recommends the standard condition regarding litter pick-up.



Site improvements (signage, landscaping, dumpster screening, etc.). Staff was concerned about the appearance of the aging facade and the apparent neglect of the freestanding sign that has a slight lean to it. The applicant worked with staff to address these concerns, and proposes to improve the facade and repair the leaning sign as proposed by staff. The facade improvements have already been approved by the Board of Architectural Review.



Existing Facade



Proposed Facade

Facade improvements include: new raised parapet, mountings and trim (white), new vertical shadow line siding (beige), new gutter, new asphalt shingles. The brick facade is proposed to remain.

Crime. Although crime can be an issue for the 7-Elevens in general, at this particular station only six calls for service were received in the last year. In addition, a Police substation is located in the building, reducing the potential for criminal activity at this location. Staff is satisfied that this location has adequate control of criminal activity.

Access, Traffic, and Deliveries. Staff is not aware of any complaints regarding parking congestion or conflict with delivery vehicles. Staff finds that although a small property, there is adequate space for the functions of customer vehicles, delivery trucks, and trash pick-up.

Lighting. The Police Department has included a recommendation that lighting at the site be to a minimum level of 2.0 foot candles, which is the same recommendation that the Police Department makes for every development and business in the City. Staff has measured the existing lighting at the site, and found that it adequately illuminates the property, generally meeting or exceeding the 2.0 requirement. The lights are shielded so as not to cause a nuisance to neighboring residential properties. Therefore, staff recommends that the existing lighting levels and shielding be maintained.

The Police also recommended that the shrubbery be trimmed to a 36 inch height to improve visibility at the site. Although a good idea, the landscaping at this site is mature and would not survive a single trimming to that height. Therefore, staff recommends that the shrubbery be trimmed over three seasons to a height close to 36 inches.

With these conditions, staff recommends approval of the special use permit.

#### **IV. PERMIT CONDITIONS**

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. **CONDITION AMENDED BY PLANNING COMMISSION:** Litter on the site and on public rights-of-way and spaces adjacent to or within ~~75~~ 150 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. The applicant is not required to enter the private properties of others. (P&Z)
3. No food, beverages, or other material shall be stored outside (except for items identified in Condition #5). (P&Z)
4. Outdoor storage shall be limited to firewood. The firewood shall be located inconspicuously in a rack at the front of the store to the satisfaction of the Director of Planning and Zoning. (P&Z)
5. The business shall be permitted to operate for 24 hours daily. (P&Z)
6. The applicant shall post the hours of operation at the entrance to the business. (P&Z)

7. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of 40 fluid ounces or more. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)
8. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be permitted to accumulate on site outside of those containers. (P&Z)
9. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police)
10. The applicant shall require its employees who drive to work to use off-street parking. (P&Z)
11. No seats or tables shall be provided for the use of patrons. (P&Z)
12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
13. **CONDITION AMENDED BY PLANNING COMMISSION:** The existing landscaping shall be maintained, ~~except that the applicant shall trim shrubbery as close as feasible to 36 inches. So as not to jeopardize the health of the mature shrubs, trimming shall occur over three planting seasons.~~ (P&Z) (Police) (PC)
14. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
15. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
16. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall ~~repair, and thereafter maintain in good condition, the freestanding sign on the property~~ remove the existing freestanding sign, and install a new monument sign, the size, design and location of which shall be determined in consultation with the Director of Planning and Zoning. (P&Z)

17. The applicant shall repair the lighting fixture located at the east side of the building, and clean and repair the lighting located under the canopy at the front of the building. (T&ES)
18. Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
19. Applicant shall pay the City the sum of \$1,700.00 for placement of two Model SD-42 Bethesda Series litter receptacles on the right-of-way to replace the existing steel cans on Franklin Street. (T&ES)
20. The applicant shall implement the facade improvements as submitted in the attached plans. (P&Z)
21. The lighting for the parking lot is to be generally maintained at a minimum of 2.0 foot candles. The lighting shall be shielded to prevent glare on adjacent properties. (Police)
22. The applicant shall maintain 14 on-site parking spaces. (P&Z)
23. The applicant shall continue to allow space in the building to be used by the Alexandria Police as an office. (P&Z)
24. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (Police)
25. **CONDITION ADDED BY PLANNING COMMISSION: All trucks making deliveries to the site shall be no larger than 30 feet in length. (PC)**
26. **CONDITION ADDED BY PLANNING COMMISSION: The applicant shall plant two trees on the Franklin Street frontage of the property, in consultation with the Director of Planning and Zoning and the City Arborist. (PC)**

**STAFF:** Eileen Fogarty, Director, Department of Planning and Zoning;  
Barbara Ross, Deputy Director;  
Valerie Peterson, Urban Planner.

## V. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

### Transportation & Environmental Services:

- F-1 The site is located on the southwest corner of Franklin Street and North Columbus Street and vehicular access is from 2 city standard driveway aprons, one for each street frontage.
- F-2 The public improvements; curbs, sidewalks and driveway aprons are in good condition and no repairs needed. The curb radius at the pedestrian street crossing has an existing handicap ramp.
- F-3 The private improvements; curbs, pavement are in good repair except for a portion of concrete sidewalk at the base of the steps located along the N. Columbus Street frontage.
- F-4 Site lighting is provided by wall mounted boxed (shielded) lights and should not present a nuisance to adjacent residential properties.
- F-5 A site lighting survey found that the site generally met or exceeded the required standards except for the east side of the building where a wall unit was not working.
- F-6 There are two old style street litter boxes located on the Franklin Street frontage and two private litter boxes located on and off the right-of-way on N. Columbus Street.
- F-7 The construction of this store was originally approved under Site Plan #64-016.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- R-2 The applicant shall repair existing lighting fixtures that are not working.
- R-3 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.

- R-4 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.
- R-5 Applicant shall pay the City the sum of \$1,700.00 for placement of two Model SD-42 Bethesda Series litter receptacles to replace the existing steel cans on Franklin Street.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-2 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.
- C-4 A rodent control plan shall be submitted to this office for review and approval prior to occupancy. This plan shall consist of the following:
  - (a) Measures to be taken to control the placement of litter on site and the trash storage and pickup schedule.
  - (b) How food stuffs will be stored on site.
  - (c) Rodent baiting plan.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 This facility is currently operating as 7-Eleven under Alexandria Health Dept. permit, issued to The Southland Corporation.
- C-3 This facility and all modifications must meet current Alexandria City Code requirements for food establishments.

- C-4 Five sets of plans must be submitted to and approved by this department prior to construction/modifications. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-5 Permits and/or approval must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- C-9 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 If an "ABC Off" license is approved we recommend the following:
  - 1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an content of 14% or more by volume) may not be sold.
  - 2. That the SUP is reviewed after one year.
- R-4 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.
- R-5 The shrubbery is to be a maximum height of 36 inches when it is mature.

SUP #2003-0095  
800 Franklin Street

Recreation, Parks and Cultural Activities

F-1      Landscaping shall be maintained.



# APPLICATION for SPECIAL USE PERMIT # 2003-0095

[must use black ink or type]

PROPERTY LOCATION: 800 Franklin Street, Alexandria

TAX MAP REFERENCE: 080.01-08-01 ZONE: CL

APPLICANT Name: 7-Eleven, Inc.

Address: 5300 Shawnee Road, Alexandria, Virginia 22312

PROPERTY OWNER Name: Julia Owen, et al.

Address: 3421 Warren Place, #101, Virginia Beach, Virginia 23452

PROPOSED USE: Convenience Store

**THE UNDERSIGNED** hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

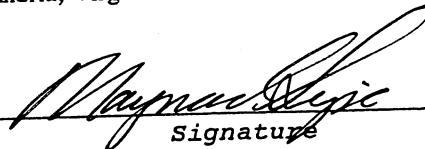
**THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

**THE UNDERSIGNED** hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Michael R. Vanderpool, Esq.  
Maynard L. Sipe, Esq.

Print Name of Applicant or Agent  
Vanderpool, Frostick & Nishanian, PC  
9200 Church Street, Suite 400  
Mailing/Street Address

Manassas, Virginia 20110  
City and State Zip Code

  
Signature

703-369-4738 703-369-3653  
Telephone # Fax #

28 August 2003  
Date

**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_ Date & Fee Paid: \_\_\_\_\_ \$ \_\_\_\_\_

ACTION - PLANNING COMMISSION: 12/02/03 Recommend Approval 7-0

ACTION - CITY COUNCIL: \_\_\_\_\_

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (check one) ☐ the Owner ☐ Contract Purchaser

☒ Lessee or ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

\_\_\_\_\_  
IYG Holding Co.  
\_\_\_\_\_  
4-1-4 Shibakoen  
\_\_\_\_\_  
Minato-ku, Tokyo  
Japan 105  
\_\_\_\_\_  
72.51% of common stock  
\_\_\_\_\_

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ Yes. Provide proof of current City business license

☒ No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

**NARRATIVE DESCRIPTION**

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (Attach additional sheets if necessary)

See Attached

# USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*
- ☐ a new use requiring a special use permit,
  - ☐ a development special use permit,
  - ☐ an expansion or change to an existing use without a special use permit,
  - ☐ expansion or change to an existing use with a special use permit,
  - ☒ other. Please describe: continuation of non-conforming use (under Section 12-214 of Zoning Ordinance)

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).

Approximately 1,000 to 1,500 customers per day

- B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).

Approximately seventeen (17) employees total

Maximum of four (4) employees per shift

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

365 days per year

24 hours per day

7. Please describe any potential noise emanating from the proposed use:

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

No significant noise beyond that generated by typical retail

business activities

B. How will the noise from patrons be controlled?

No significant noise from patrons anticipated

8. Describe any potential odors emanating from the proposed use and plans to control them:

No significant odors generated by use

9. Please provide information regarding trash and litter generated by the use:

A. What type of trash and garbage will be generated by the use?

Typical solid waste from small retail establishments (consisting largely of paper, cardboard and plastic)

B. How much trash and garbage will be generated by the use?

Approximately 36 cubic yards per week

C. How often will trash be collected?

Multiple pick-ups (by BFI) per week

D. How will you prevent littering on the property, streets and nearby properties?

Contract with outside vendor for "litter walk" around property and adjacent sidewalks three times per week. Employees perform litter walk twice per day on property.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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12. What methods are proposed to ensure the safety of residents, employees and patrons?

Store has closed circuit T.V. and monitored alarm system. A Police

Community Substation is located on-site within the store.

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### ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes. ☐ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

Current ABC license for off-premises sale of beer and wine 6 a.m. to

12 a.m. (midnight)

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**PARKING AND ACCESS REQUIREMENTS**

14. Please provide information regarding the availability of off-street parking:

- A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

Twelve (12)

- B. How many parking spaces of each type are provided for the proposed use:

Thirteen (13) Standard spaces

           Compact spaces

One (1) Handicapped accessible spaces.

           Other.

- C. Where is required parking located?    ☒ on-site    ☐ off-site    (check one)

If the required parking will be located off-site, where will it be located:

\_\_\_\_\_  
Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?    one (1)

- B. How many loading spaces are available for the use?    none

- C. Where are off-street loading facilities located?    none

- D. During what hours of the day do you expect loading/unloading operations to occur?

A consolidated delivery is made to minimize the number of truck deliveries. The consolidated delivery is made at approximately 9:30 p.m. Large truck deliveries are scheduled to comply with the City's noise ordinance.

- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Consolidated deliveries arrive daily. Other vendors deliver several times per week. Typically, three or four trucks deliver per 24 hour period.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Existing access is adequate.

#### SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? -0- square feet.

18. What will the total area occupied by the proposed use be?

2620 sq. ft. (existing) + -0- sq. ft. (addition if any) = 2620 sq. ft. (total)  
(building)

19. The proposed use is located in: (check one)

☒ a stand alone building ☐ a house located in a residential zone ☐ a warehouse

☐ a shopping center. Please provide name of the center: \_\_\_\_\_

☐ an office building. Please provide name of the building: \_\_\_\_\_

☐ other, please describe: \_\_\_\_\_



**SPECIAL USE APPLICATION  
7-Eleven, Inc.**

**Franklin Street, Alexandria**

**WRITTEN NARRATIVE**

7-Eleven, Inc. ("7-Eleven" or "Applicant"), the lessee of the property described in the City of Alexandria land records as Tax Map Parcel Number 080.01-08-01 and having a street address of 800 Franklin Street, Alexandria, Virginia (the "Property") requests approval of a Special Use Permit (SUP) to continue operating the existing use of a convenience store (the "Store"). This request is in accordance with Section 12-214 of the City of Alexandria's Zoning Ordinance that requires such SUP for continuance of any existing legal non-conforming use.

The Property contains approximately 8550 square feet. It is zoned commercial low zone (CL).

The Store is located at the corner of Franklin Street and Columbus Street. 7-Eleven has operated the existing convenience store on the Property since January 1965. The Store is well integrated into the community and provides a valuable service to residents, particularly in light of the small number of convenience retail stores within the City of Alexandria. (Only 14 such convenience stores exist in Alexandria, as opposed to 38 in Arlington, according to a 1997 Economic Census.)

**Nature of Activity**

The 7-Eleven store is a typical convenience retail store selling a variety of goods including food and beverages. The Store is intended to provide quick and convenient shopping and goods are typically purchased in small quantities. Food and beverages are purchased for consumption off premises. The Store has an A.B.C. license for off premises sell of beer and

wine between the hours of 6:00 a.m. and midnight. The Store is open 24 hours a day, 365 days a year.

#### Architecture

The Applicant proposes renovating the Store building's facade as illustrated in the attached architectural sketch (Exhibit A). There will be no color striping or color bands on the new facade. The facade improvements include new siding on the gable end over the entrance and a new roof. A paneling effect will be used to provide detailing over the storefront windows (in the area where banner signs have been located in the past). The existing standard 7-Eleven sign will remain above the entrance. The existing pole sign will be retained and the pole straightened.

#### Landscaping

This site is presently well landscaped with attractive shrubs screening the parking area. The Applicant will trim and maintain the existing landscaping.

#### Parking

Since the existing non-conforming use was established prior to 1992, the existing parking is grandfathered. Because of the quick turnover of customers, the existing parking has proven adequate.

#### Waste Management

Trash generated is typical solid waste from a small retail establishment, largely consisting of paper, cardboard and plastic. Trash is picked up by a private hauler several times per week.

The Applicant presently contracts with a private company to perform three "litter walks" per week. The contractor removes litter and trash from the entire Property as well as adjacent

sidewalks and gutters. Store employees also perform a minimum of two litter walks per day to pick up litter on the Property.

#### Outdoor Storage and Sales

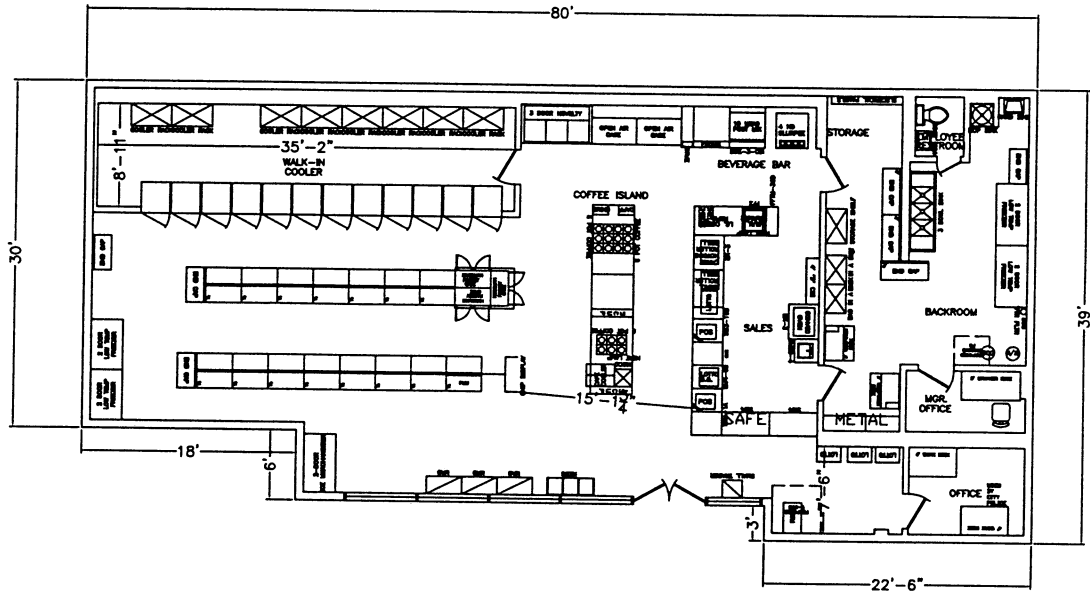
Applicant requests approval of outdoor storage to continue sales of firewood. Applicant is willing to store firewood in a rack as approved by staff.

#### Conclusion

The architectural improvements proposed by 7-Eleven will significantly improve the Store's appearance. The existing nature of the convenience store use and its scale of operations have proven compatible with existing uses in the surrounding area and, thus, no significant change in operations is necessary. With approval of the requested SUP, the Store will continue to provide convenience shopping for Alexandria residents, meeting a need in the community.

V:\Company\7-Eleven\Alexandria SUPs\Franklin Street Narrative.doc

SUP2003-0095  
 Interior Plan of Store  
 800 Franklin Street



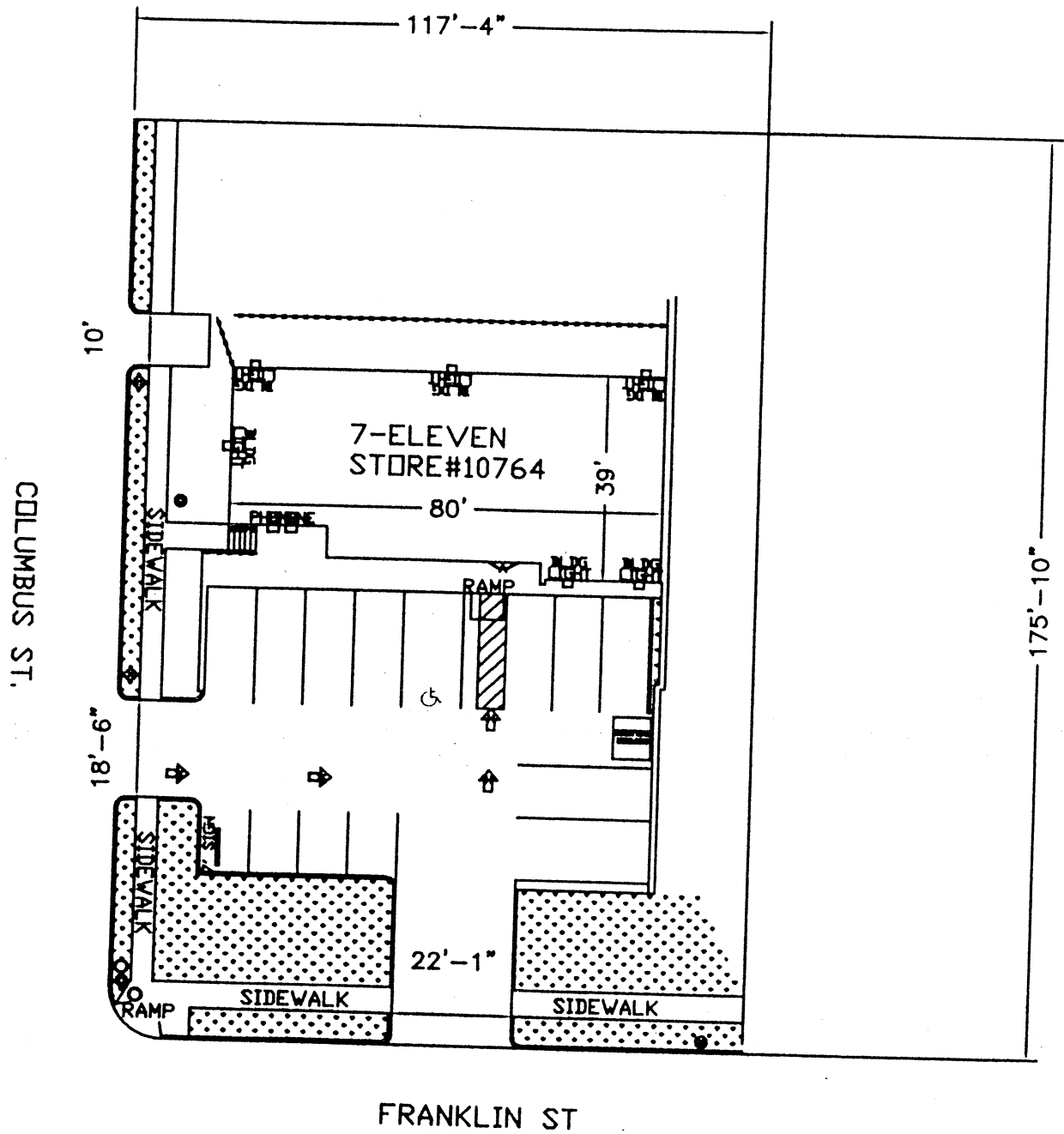
**DISCLAIMER**  
 THIS IS NOT A LEGAL DOCUMENT.  
 INTENT IS TO SHOW CURRENT  
 EQUIPMENT CONDITIONS.

7-ELEVEN  
 STORE # 10764  
 800 FRANKLIN ST  
 ALEXANDRIA VA 22314-4106

Drawn by JTN  
 Date DRB  
 Scale 1/8"=1'-0"  
 Date 12/14/2002  
 Sheet 1 of 1  
 ROYSTON  
 10764FP

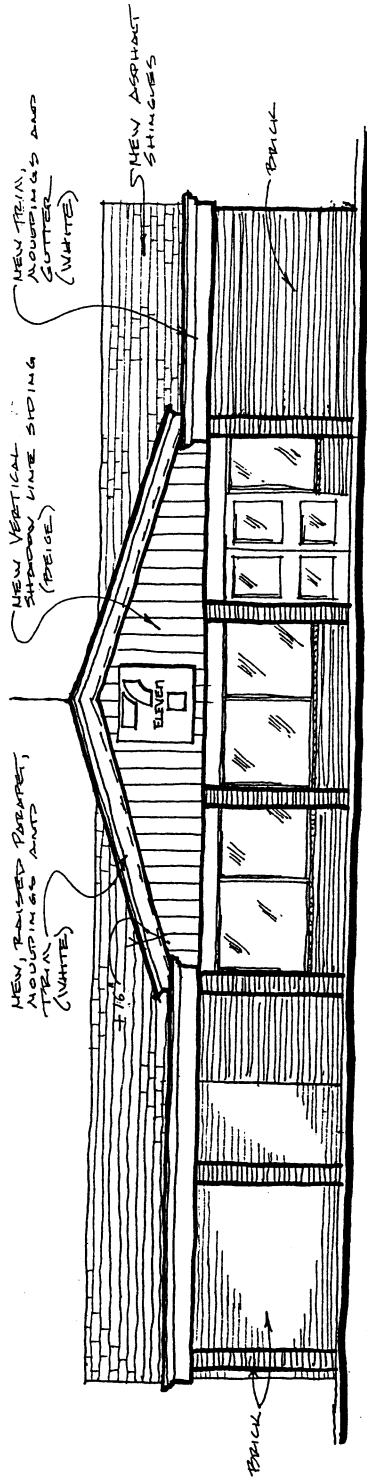
SUP2003-0095

Plot Plan of Existing Site  
800 Franklin Street



SUP 2003-0095

REVISED



Front Elevation

Scale: 1/4" = 1'-0"



SCALE:

7-Eleven Store

800 Franklin Street

URS

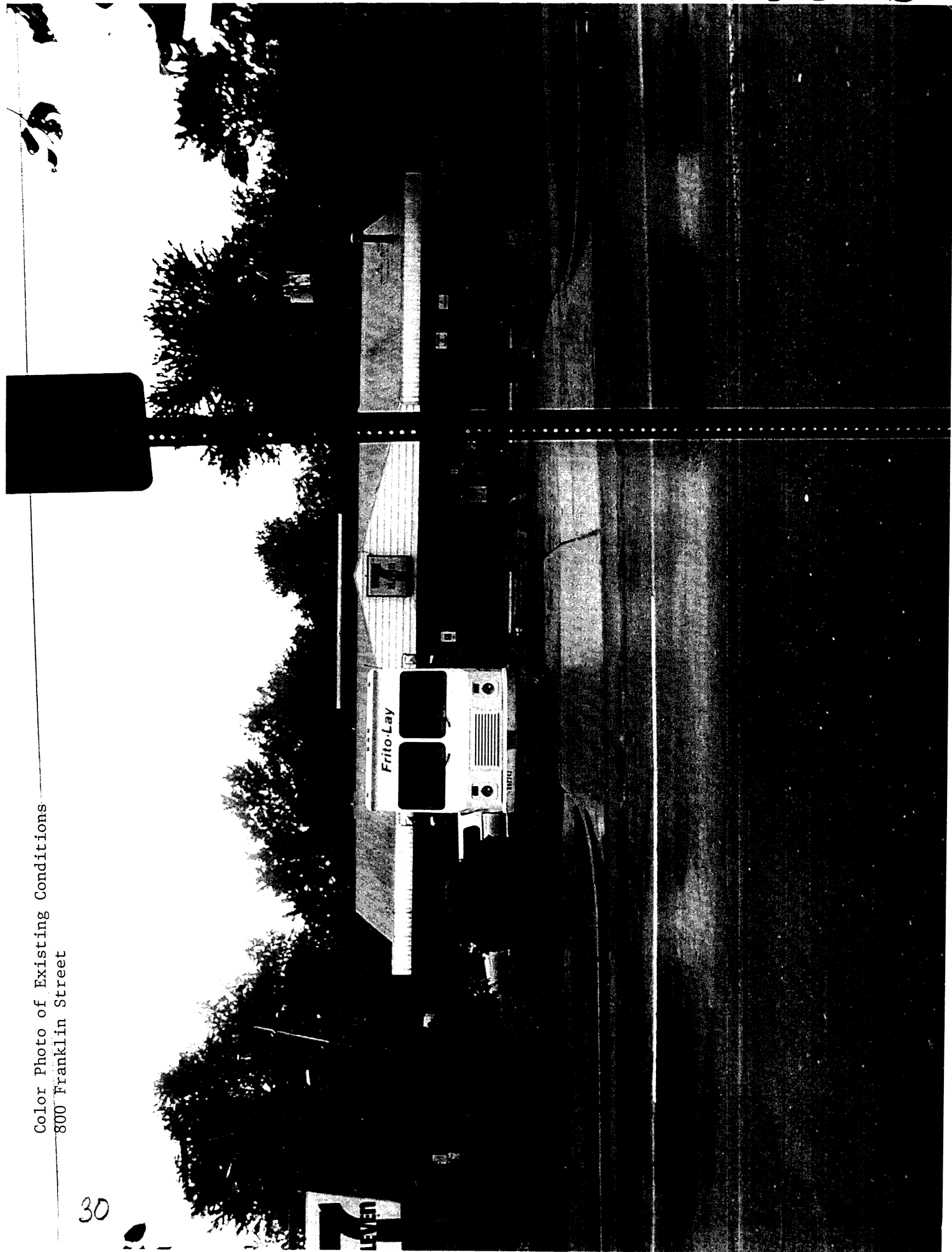
CONSULTING ENGINEERS AND PLANNERS

REV. 7-12-03 6-24-03

11/14/2005 09:00

Color Photo of Existing Conditions  
800 Franklin Street

30



SEP 2005-0395



## 7-ELEVEN LOCATIONS IN ALEXANDRIA



### 7-ELEVEN Location ADDRESS

- 1 1025 West Glebe Rd
- 2 1667 North Quaker Ln
- 3 2 South Jordan St
- 4 2108 Mount Vernon Av
- 5 30 South Reynolds Av
- 6 3023 Duke St
- 7 331 South Whiting St
- 8 3412 Mount Vernon Av
- 9 411 East Braddock Rd
- 10 4620 Kenmore St
- 11 4949 Seminary Rd
- 12 5725 Edsal Rd
- 13 6120 Lincolnia Rd
- 14 800 Franklin St
- 15 915 North Columbus St



## VANDERPOOL, FROSTICK &amp; NISHANIAN, P.C.

ATTORNEYS AT LAW  
SUITE 400  
9200 CHURCH STREET  
MANASSAS, VIRGINIA 20108

703-369-4738  
FAX 703-369-3653  
E-MAIL INFO@VPNLAW.COM

10 & 11  
12-16-03

December 15, 2003

**VIA FACSIMILE**

The Honorable William D. Euille  
Mayor, City of Alexandria  
Members of the City Council  
301 King Street  
Alexandria, Virginia 22314

Re: 7-Eleven, Inc. Special Use Permit Applications

Dear Mayor Euille and Members of the City Council:

I am writing to you in connection with Special Use Permit (SUPs) applications 2003-0094 and 2003-0095 for which you will conduct a public hearing this Tuesday evening, December 16. These SUPs are to permit the continued operation of the 7-Eleven stores at 800 Franklin Street and 1667 North Quaker Lane. In particular, I would like to draw your attention to the proposed condition regarding the length of delivery trucks in each matter.

At the Planning Commission public hearing on the Franklin Street 7-Eleven, a citizen appeared and requested a limitation on the size of trucks making deliveries to the store. This was the first time we learned of any citizen concern regarding this issue, even though we had met with appropriate civic associations. My client, at that meeting, indicated that 7-Eleven could utilize thirty foot trucks. We have since learned that a clarification is in order.

First, in the trucking industry, truck lengths are normally defined by the length of the trailer, not the trailer and cab. A typical trailer may be as long as 53 feet. However, 7-Eleven requires its vendors to utilize much shorter vehicles typically referred to as a "city truck" when making deliveries in the City of Alexandria. These city trucks actually have trailers that are approximately 32 feet in length. Accordingly, allowing for some small degree of flexibility, we will request at the public hearing that the limitation on delivery trucks read: "Deliveries shall be made by trucks whose trailer length does not exceed 35 feet."

We wanted to provide you advance notice of this proposed amendment to the condition.  
If you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael R. Vanderpool

MRV/bgs

cc: Ms. Barbara Ross  
Mr. Todd Patrick

**FACSIMILE COVER SHEET****VANDERPOOL, FROSTICK & NISHANIAN, P.C.***Attorneys at Law***9200 CHURCH STREET, SUITE 400  
MANASSAS, VIRGINIA 20110****Telephone:** (703) 369-4738**E-mail:** [info@vfnlaw.com](mailto:info@vfnlaw.com)**Facsimile:** (703) 369-3653

<b>TO:</b>	The Honorable William D. Euille Members of the City Council c/o City Clerk
<b>FIRM:</b>	City of Alexandria
<b>FAX NO:</b>	703-838-6433
<b>PHONE NO:</b>	
<b>DATE:</b>	December 15, 2003
<b>FROM:</b>	Michael R. Vanderpool, Esq.
<b>CLIENT:</b>	7-Eleven
<b>MATTER:</b>	Quaker Lane SUP & Franklin Street SUP
<b>CLIENT NO:</b>	
<b>NO. OF PAGES:</b> (incl. fax cover page)	3

**THE EMERGING BUSINESS  
LAW FIRM**

*Business and Commercial Matters  
Civil Litigation and Arbitration  
Condemnation and Eminent Domain  
Construction Disputes  
Corporations and Partnerships  
Corporate Financing  
Creditors Rights  
Estate and Asset Planning  
Internet and Software Licensing  
Land Use and Zoning  
Legislative and Community Affairs  
Mechanic's Liens  
Personnel and Employment Matters  
Personal Injury and Malpractice  
Real Estate Development and Leasing  
Real Estate Sales and Financing*

**MESSAGE/REMARKS:**

Please have the attached letter forwarded to the Mayor and members of the City Council as it relates to an item scheduled during tomorrow's hearing. Thank you for your assistance.

cc: Ms. Barbara Ross (via fax - 703-838-6393)

**ORIGINAL :** ☐ Will not follow ☐ Will follow by U.S. Mail ☐ Will follow by:

**CONFIDENTIALITY NOTICE:** The document(s) accompanying this Facsimile Cover Sheet contains information from the law firm of Vanderpool, Frostick & Nishanian, P.C., which is confidential and legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited, and that the document should be returned to this firm immediately. In this regard, if you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

V:\Company\7-Eleven\Alexandria SUPs\Northridge Warren Lutz fax 10-10-03.doc

SPEAKER'S FORM

DOCKET ITEM NO. 10 C7-Eleven / Franklin

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Mike Vanderpool
2. ADDRESS: 9200 Church Street, MMASIA, CA
- TELEPHONE NO. 703-369-4738 E-MAIL ADDRESS: m.vanderpool@mmasia.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? 7-Eleven, Inc.

4. WHAT IS YOUR POSITION ON THE ITEM?  
FOR: / AGAINST: \_\_\_\_\_ OTHER: \_\_\_\_\_

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):

Attorney

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?  
YES X NO \_\_\_\_\_

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed for public hearing at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

**Guidelines for the Public Discussion Period**

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- (b) No speaker will be allowed more than three minutes.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.